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7 Attorneys for Plaintiff

8  
9 Vian Charbonneau

10  
11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 VIAN CHARBONNEAU,

15 Plaintiff,

16  
17 v.

18 THE PATRICK M. CORBETT  
19 LAW OFFICE, A COMPANY,  
20 AND PATRICK CORBETT, AN  
21 INDIVIDUAL, AND SOUTHERN  
TIER AGENCY, A COMPANY,

22 Defendant.

Case No.: 3:08-CV-01833-MHP

**PROOF OF SERVICE**

JOSHUA SWIGART, ESQ. SBN 225557  
HYDE & SWIGART  
411 CAMINO DEL RIO SOUTH, SUITE 301  
SAN DIEGO CA 92108

619-233-7770 Ref. No. : 0303916-02  
Attorney for : PLAINTIFF Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA  
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU  
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455  
**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE TO DEFENDANTS; CASE MANAGEMENT STATEMENT; CONTRA COSTA COUNTY SUPERIOR COURT ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION; NOTICE OF CASE MANAGEMENT CONFERENCE
3. a. Party served : SOUTHERN TIER AGENCY, A COMPANY  
b. Person served : PAUL SIMS, MANAGING AGENT  
(AUTHORIZED AGENT FOR SERVICE)
4. Address where the party was served 2265 GEORGE URBAN BLVD  
DEPEW, NY 14043 (Business)
5. I served the party  
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on March 7, 2008 (2) at: 11:10 AM
6. The "Notice to the person served" (on the summons) was completed as follows:  
c. on behalf of: SOUTHERN TIER AGENCY, A COMPANY  
under [xx] CCP 415.95 (business org., form unknown)
7. **Person who served papers**  
a. WILLIAM BROWN  
b. KNOX ATTORNEY SERVICE, INC.  
2250 Fourth Avenue  
San Diego, California 92101  
c. 619-233-9700  
d. Fee for service: \$55.25  
e. I am:  
(3) a registered California process server  
(i) an independent contractor  
(ii) Registration No.: 152  
(iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 3, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT  
WILLIAM BROWN

JOSHUA SWIGART, ESQ. SBN 225557  
HYDE & SWIGART  
411 CAMINO DEL RIO SOUTH, SUITE 301  
SAN DIEGO CA 92108

619-233-7770 Ref. No. : 0303916-02  
Attorney for : PLAINTIFF Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA  
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU  
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455  
**DECLARATION REGARDING  
DILIGENCE**

I received the within process on 03/04/08. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served SOUTHERN TIER AGENCY, A COMPANY

Business : 2265 GEORGE URBAN BLVD, DEPEW NY 14043

Attempts to effect service are as follows:

03/05/08 04:00P Attempted service at business; subject not in  
03/06/08 09:26A Attempted service at business; subject not in  
03/07/08 11:10A Attempted service-effected substitute service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 3, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT  
WILLIAM BROWN

STATE OF: CALIFORNIA INDEX CASE/FILE No. C 08-00455SUPERIOR COURT COUNTY OF: CONTRA COSTAVIAN CHARBONNEAU

Plaintiff(s)/Petitioner(s),

Vs.

**AFFIDAVIT PROOF OF SERVICE  
INDIVIDUAL/CORPORATION**THE PATRICK M. CORBETT LAW OFFICE, et al.

Defendant(s)/Respondent(s).

STATE OF NEW YORK )

ss. )

COUNTY OF: ERIE )

The undersigned states that he/she is a resident of the State of New York, is over the age of 18, and is not a party to this case and that he/she served the annexed: SUMMONS and COMPLAINT, CIVIL CASE COVER SHEET, NOTICE TO DEFENDANT, CASE MANAGEMENT STATEMENT, ADR INFORMATION, NOTICE OF MANAGEMENT CONFERENCE.

And, that the named Defendant/Respondent: SOUTHERN TIER AGENCY  
was served as described below at:

Date 03.07/08 Time 11:10 AM

This service was completed at: 2265 GEORGE URBAN BLVD., DEPEW NY 14043  
Known to be the Defendant's: PLACE OF EMPLOYMENT

☐ Personal In-Hand☒ Responsible Person ServiceName: PAUL SIMSRelationship: MANAGING AGENT☐ Substitute Service by affixing to the main door entrance, a copy thereof.

Previous attempts: \_\_\_\_\_

☐ Corporate Service by serving a person so named: \_\_\_\_\_

Position: \_\_\_\_\_

☐ Non-Service/Unable to Complete Service (Explain Below) \_\_\_\_\_

Description of person served.

Age	Wt	Ht	Sex
<u>30</u>	<u>260</u>	<u>5'10"</u>	<u>MALE</u>
Hair	Skin	Other	
<u>BROWN</u>	<u>WHITE</u>		

Copy mailed on: 03/08/08☒ Defendant was not a member of the Armed Forces of the United States at the time/date of service.

Remarks/Comments: \_\_\_\_\_

Sworn to before me this  
15TH day of MAR 2008

Leslie A. Cannon  
Notary

LESLIE A. CANNON  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires Feb. 28, 2010

WILLIAM F. BROWN

Printed Name of Server

Signature

Cannon Legal Support, Inc.  
5140 Main Street, Unit 303  
Buffalo NY 14221

Individual/Corporation

JOSHUA SWIGART, ESQ. SBN 225557  
HYDE & SWIGART  
411 CAMINO DEL RIO SOUTH, SUITE 301  
SAN DIEGO CA 92108

619-233-7770 Ref. No. : 0303916-02  
Attorney for : PLAINTIFF Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA  
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU  
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455  
**DECLARATION OF MAILING**

RE: SOUTHERN TIER AGENCY, A COMPANY

I am a citizen of the United States and am employed in the County of SAN DIEGO, State of California. I am over 18 years of age and not a party to this action. My business address is  
**2250 FOURTH AVENUE, SAN DIEGO CA 92101**

On March 17, 2008 I served the within documents:

SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE TO DEFENDANTS;  
CASE MANAGEMENT STATEMENT; CONTRA COSTA COUNTY SUPERIOR COURT  
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION; NOTICE OF CASE  
MANAGEMENT CONFERENCE

On the party in said action, by mailing a true copy thereof (by first-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

SOUTHERN TIER AGENCY, A COMPANY

2265 GEORGE URBAN BLVD  
DEPEW, NY 14043

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 17, 2008 at SAN DIEGO, California.

Signature: \_\_\_\_\_

  
KIMBERLY FOWLER

**DECLARATION OF MAILING**